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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,814	09/29/2000	Lin Lin	91436-256	2246

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SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO, ON M5G2K8
CANADA

EXAMINER

STORM, DONALD L

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/672,814

Applicant(s)

LIN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2003. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


Richmond Dorvil
Primary Examiner

Continuation of 2. NOTE:

The proposed amendment will not be entered because it does not place the application in condition for allowance. The subject matter of the proposed claims does not prima facie avoid the art rejections set forth in the previous Office action. The amendment does not place the application in better form for appeal because the proposed amendment presents new issues not previously addressed.

Additional search would be required because of the new claim limitations for claims 3, 6, and 7 and because of the combinations of claim elements different from those previously presented. Patentability in view of combinations of references already of record must also be reconsidered, and whether all dependent claims now distinctly claim the invention in light of the new claim limitation. Sufficiency of disclosure as originally filed would require reconsideration.

For claim 1, the proposed amendment would define the invention by claim elements not previously presented in combination; the new combination brings user-selected command words into the system having multiple models for some words.

For claim 2, the proposed amendment would define the invention by claim elements not previously presented in combination; the new combination brings user-selected command models into the system having multiple models for some words.

For claim 3, the default command word model presents new issues.

For claim 6, the command being associated with models in both model sets presents new issues.

For claim 7, the same command being associated with word models representing different words in each model set presents new issues. For claim 7, the proposed amendment would define the invention by claim elements not previously presented in combination; the new combination brings at least user-designated association between a command and a word model into training the system and matching two utterances.

Continuation of 5. does NOT place the application in condition for allowance because:

Regarding claims 1, 2, 3, 6, and 7, the arguments are directed to subject matter that has not been entered.

Regarding claims 4, 5, and 8-21, the subject matter of the claims does not prima facie avoid the art rejections set forth in the previous Office action.

Regarding claims 10 and 13, the Applicant contends that the cited reference does not describe every aspect of those claims. This argument is not persuasive because a previous Office action (paper 4) locates every element of the claims in that reference.

Regarding claim 5, the Applicant contends that Vysotsky does not use likelihood of recognition with SI models for deriving SD models. This is similar to the Examiner's presentation (paper 7) of how Vysotsky does not anticipate claim 5. However, this argument is not persuasive because a previous Office action (paper 7) locates or suggests every element of the claims in either Vysotsky or Salazar and suggests the desirability of making the combination as a whole.

Regarding claim 5, the Applicant contends that Salazar does not use recognition with SI models to derive an SD model. A further argument is that Salazar is merely updating a set of SD models. These arguments are not persuasive because one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. A previous Office action (paper 7) locates or suggests every element of the claims in either Vysotsky or Salazar and suggests the desirability of making the combination as a whole. Furthermore, Salazar creates a second set of word models in RAM and keeps the first set, rather than maintaining one set of models; see paper 7.

Regarding claim 5, the Applicant contends that the Examiner assembled a teaching of storing a second set of SD word models out of unrelated pieces of Salazar. In particular, column 13, line 65, describes input, not word models. This argument is not persuasive because Salazar is describing the system with reference to Figures 3A and 3B in Salazar's chosen order at least from column 13 to column 15. The only citation by the Examiner that is out of order is the citation to column 11, where speech appears explicitly. In column 13, at lines 60-65 discussing Figs. 3A and 3B, Salazar uses the terminology "audio" for the signal to be recognized. In particular, column 13, lines 60-65, recite both the input (audio signal) and the first set of word models (the active vocabulary). As indicated in paper 7, this vocabulary is a different set from the set formed in RAM.

Regarding claim 18, the Applicant contends that the cited references do not describe every aspect of those claims. This argument is not persuasive because a previous Office action (paper 4) locates or suggests every element of the claims and suggests the desirability of making the combination as a whole.

Continuation of 10. Other:

The amendments would cure the deficiencies that caused objections to the specification and claims. The portions of the amendment directed to the specification and to removing the informalities in the claims would be acceptable as placing some of the claims in better form by complying with objections to informalities if a separate paper were filed containing only acceptable amendments.